

1 SENATE BILL 16

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

4 Steve Komadina

5
6
7
8
9
10 AN ACT

11 RELATING TO CIVIL EMERGENCY PREPAREDNESS; PROVIDING LIMITED
12 LIABILITY TO A PERSON WHO VOLUNTARILY PROVIDES GOODS OR
13 SERVICES TO ANOTHER PERSON FOR AN EMERGENCY SITUATION DECLARED
14 BY THE GOVERNOR; REPEALING THE EMERGENCY LICENSING ACT.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 Section 1. Section 12-10-8 NMSA 1978 (being Laws 1963,
18 Chapter 193, Section 1, as amended) is amended to read:

19 "12-10-8. CIVIL LIABILITY--LIMITED.--

20 [~~Any~~] A. A person owning or controlling real estate
21 or other premises who voluntarily and without compensation
22 grants a license or privilege or otherwise permits the
23 designation or use of the whole or any part of [~~his~~] the
24 person's real estate or premises for the purpose of sheltering
25 persons during an actual or impending enemy attack or other

.164103.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 disaster shall, together with [~~his~~] the person's successors in
2 interest, if any, not be civilly liable for negligently causing
3 the death of or injury to [~~any~~] a person on or about the real
4 estate or premises or for the loss of or damage to the property
5 of [~~such~~] that person, providing [~~said~~] the premises have been
6 approved either in whole or in part by the proper civil
7 emergency preparedness authorities for [~~such~~] that purpose.

8 B. A person, including the person's officers,
9 directors, employees and agents when applicable, who
10 voluntarily and without the expectation or receipt of
11 compensation provides goods or services to another person in
12 response to an order issued by the governor declaring a
13 disaster or emergency, is not liable for injury or death to the
14 other person or damage to the other person's property as the
15 result of an act or failure to act in providing the goods or
16 services if the:

17 (1) goods or services are provided during the
18 time and at the place of the declared disaster or emergency;

19 (2) goods or services are intended to prevent
20 or minimize harm to the other person or the other person's
21 property; and

22 (3) injury, death or damage was not caused by
23 willful misconduct, gross negligence or bad faith."

24 Section 2. REPEAL.--Sections 12-10-10.1 through 12-10-13
25 NMSA 1978 (being Laws 2005, Chapter 22, Section 5 and Laws

.164103.1

underscoring material = new
~~[bracketed material] = delete~~

1 2002, Chapter 83, Sections 2 through 4) are repealed.

2 - 3 -

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

.164103.1